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DEPT FOR EUR/PRA, EUR/RUS, NP/ECNP, INR/SPM

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TAGS: [ETTC](#) [KSTC](#) [PARM](#) [PREL](#) [PTER](#) [YM](#) [RS](#)

SUBJECT: RUSSIA-YEMEN: RESPONSE TO THERMOBARIC WEAPONS
DEMARCHE

REF: A. STATE 188657

[1](#)B. MOSCOW 12002

[1](#)C. 03 MOSCOW 19214

Classified By: A/POL Bruce Donahue. Reasons 1.4 (a), (b), (d), (e) and (g).

[1](#)1. (S) SUMMARY: On November 22 Igor Matveyev, of the MFA's Military and Technology Cooperation Division, provided a response to our demarche (reftels) requesting that the GOR not transfer thermobaric weapons to Yemen. Matveyev would not say whether the GOR had made a decision on the matter or if the transfer had taken place. A non-paper provided by Matveyev states that the GOR considers the Yemeni loss of control of SA-7 MANPADS used in terrorist attacks in Kenya and Saudi Arabia to have been the result of events related to Yemen's civil war, and amounted to "force majeure." According to the MFA, the GOR was pressuring its Yemeni partners not to allow similar losses in the future. Matveyev invited the U.S. to provide additional information on Yemeni violations of end use certificate requirements or other diversions of weapons. END SUMMARY.

[1](#)2. (S) On November 22 we received from Igor Matveyev of the MFA's Arms Control and Technology Division a non-paper in response to our September 7 request that the GOR not permit the transfer of thermobaric weapons to Yemen. (NOTE: A copy of the non-paper has been sent as a .pdf file to EUR/PRA. END NOTE.) Matveyev would not say whether the GOR had made a decision on whether to transfer thermobaric weapons to Yemen. He said the GOR strictly follows its national laws in pursuing military-technical cooperation with countries such as Yemen, and Russia's national laws are in accordance with international arms control and non-proliferation agreements. Matveyev said that the GOR had looked into the Yemeni loss of SA-7s during the civil war in that country, and, calling it the result of "force majeure," the GOR considered it to have been unexpected, unpredictable and unpreventable.

[1](#)3. (S) He added that the GOR was working to persuade its Yemeni partners to prevent a similar loss of control over its weapons from happening again. When questioned on this point, Matveyev told us that at the working level the Russians have made clear they would stop cooperation with the Yemenis if Russian end user requirements were not met. Transfers to Yemen would be secured with end user certificates guaranteeing that any products received from Russia would not be used improperly. In response to our inquiries, Matveyev said end user certificates might contain terms permitting inspections by the Russian side. Separately, the GOR was establishing an additional legislative basis for permitting the conduct of inspections in recipient countries to determine whether end user requirements were being followed. Matveyev asserted that this legislation would assist in persuading possible recipients of military-technical cooperation to accept inspections by authorities from the

Ministry of Defense and the Federal Service for Military-Technical Cooperation. When pressed on the status of the legislation, Matveyev indicated it had not been submitted to the Duma, but would be made public when enacted.

¶4. (S) Towards the end of the meeting, Matveyev stressed the GOR interest in preventing the diversion of Russian weapons into terrorists hands. He also invited the U.S to provide information on Yemeni violations of end user certificates, specific incidents showing that stockpiles were not secure, or other confirmed examples of Yemeni authorities losing control over weapons. When asked, he said the GOR had no timetable or deadline for receiving such information. Without concrete information, however, he said there was no reason to prevent the transfer. After all, he argued, Yemen had the right to defend itself and the transfer was permissible under Russian and international law.

¶5. (S) COMMENT: Although Matveyev would not say whether the GOR had made a decision on this transfer, his invitation for us to provide specific information on Yemen's record of compliance with end user controls suggests that no final decision has yet been made. The GOR had no qualms about letting us know in December 2003 that it had decided to sell thermobaric rockets to Sudan despite our demarches against that sale (ref C).

BEYRLE